

OPEN COURTCENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated: Allahabad, the 18th day of July, 2001.

Coram: Hon'ble Mr. Rafiq Uddin, J.M.

Hon'ble Maj. Gen. K.K. Srivastava, AM

ORIGINAL APPLICATION No. 1461 OF 1997

Akhilesh Kumar Upadhy,
 s/o Sri Parshu Ram Upadhy,
 r/o Quarter No. 242(C) New Railway
 Loco Colony, Chhattupur,
 Varanasi.

. Applicant

By Advocate: Sri V.K. Srivastava

Versus

1. Union of India through its
General Manager, North Eastern Railway,
Gorakhpur.
2. Divisional Rail Manager (P),
North Eastern Railway, Varanasi.
3. Senior Divisional Personnel Officer,
North Eastern Railway, Varanasi.
4. Senior Divisional Operating Manager,
North Eastern Railway, Gorakhpur.

. Respondents

By Advocate: Sri D.C. Saxena

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(ORAL)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The applicant while working as a Deputy
Chief Trains Controller at Varanasi, North Eastern
Railway was promoted as Traffic Inspector, vide
order dated 23.7.1996. The applicant was, however,

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reverted, vide impugned order dated 19.12.1997, a copy of which has been annexed as Annexure No.8 to the O.A. The applicant has filed this O.A., seeking quashing of the aforesaid impugned order dated 19-12-1997 and directions to the respondents not to interfere with the working of the applicant as Traffic Inspector.

2. We have heard the arguments of Sri V. K. Srivastava for the applicant and Sri D. C. Saxena for the Respondents.

3. It has been contended by the Respondents a joint representation of Traffic Inspectors, challenging the promotion of the applicant was received by the respondents. On scrutiny, it was noticed that the Trains Controllers (Operating Branch Personnel) have no avenue of promotion in the Traffic Inspectors group. Since the applicant was holding the post of Trains Controller, he was not eligible for promotion as Traffic Inspector. Consequently, the applicant was sent back to his parent department of Controller without loss of pay, seniority, status etc. by the impugned order. It is, however, not disputed on behalf of the respondents that the impugned order was issued without giving opportunity to the applicant to show-cause. Since the impugned order has civil consequences, it was necessary on part of the respondents to provide an opportunity of being heard before passing the impugned order. The impugned order has obviously been passed in contravention of principle of natural justice and

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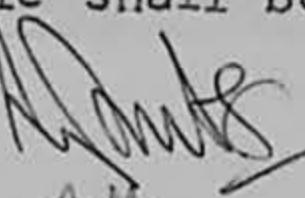
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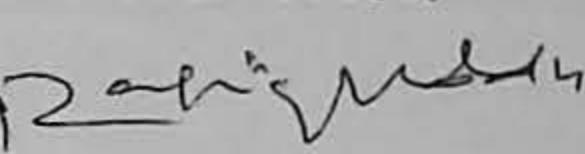
as such the same is liable to be quashed.

We accordingly allow this Original Application and quash the impugned order dated 19-12-1997 passed by the Respondent No.2 (Annexure No.8).

Respondents are at liberty to take fresh action as per law.

4. There shall be no order as to costs.


A.M.


J.M.

Nath/